

Translation

10/501106

05-07-04

PATENT COOPERATION TREATY

PCT/EP2003/004225



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 01/03 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004225	International filing date (day/month/year) 23 April 2003 (23.04.2003)	Priority date (day/month/year) 23 April 2002 (23.04.2002)
International Patent Classification (IPC) or national classification and IPC B65D 1/02		
Applicant MAUSER-WERKE GMBH & CO. KG		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 November 2003 (17.11.2003)	Date of completion of this report 07 May 2004 (07.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/004225

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-7 _____, filed with the letter of 17 November 2003 (17.11.2003)
- ☒ the drawings:
pages _____ 1/10-10/10 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/04225

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1.1 D1 (GB 2 219 270 A) is considered the prior art closest to the subject matter of claim 1. D1 discloses:

"a plastic container for inflammable products which is provided with an electroconductive coating about the filling opening, along an outer side of the container and about the container base, in order to bleed off any electrostatic charges that occur. In order to ensure optimum protection, the inside of the filling opening and the inner surface of the container are provided with an electroconductive coating."

1.2 The problem to be solved by the present invention can thus be considered that of avoiding the need for the electroconductive inner coating, which is complex to produce.

1.3 Therefore the subject matter of claim 1 differs from the known plastic container electroconductively coated on the inside and outside in that the electroconductive connection between the filling material and the conductive outer coating layer is established via a conductive bleed-off rod which is

permanently fitted inside the container, the length of the rod being 3 % to 30 % greater than the container height (see the characterizing part of claim 1).

1.4 Consequently the solution proposed in claim 1 of the present application can be considered novel and inventive and to have industrial applicability (PCT Article 33(2) to (4)).

1.5 Claims 2 to 7 are dependent on claim 1 and hence likewise meet the PCT novelty and inventive step requirements (PCT Article 33(2) and(3)). These claims also meet the industrial applicability requirements (PCT Article 33(4)).

When the application enters the regional phase, the following should be taken into account:

Contrary to the requirements of PCT Rule 5.1(a)(ii), the description did not cite D1 (GB 2 219 270 A) or the relevant prior art contained therein.